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August 4, 2016

VIA EMAIL AND FEDERAL EXPRESS

Jeff S. Jordan
Assistant General Counsel
Complaints Examination & Legal Administration
Federal Election Commission
999 E Street, NW
Washington, DC 20436

Re: *MUR 7079*

Dear Mr. Jordan:

We are counsel to Michael Eggman, Eggman for Congress ("the Committee"), and Jay Petterson in his official capacity as Treasurer (collectively, "Respondents"). We write in response to the complaint filed by the Foundation for Accountability and Civic Trust on May 31, 2016 ("the Complaint"). The Complaint fails to allege any violation of the Federal Election Campaign Act (the "Act") or Commission rules, and should be promptly dismissed.

"The Commission may find 'reason to believe' only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the [Act]." Statement of Reasons, Commissioners Mason, Sandstrom, Smith & Thomas, MUR 4950 (Dec. 21, 2000); *see* 11 C.F.R. § 111.4(d). Moreover, "[u]nwarranted legal conclusions from asserted facts . . . or mere speculation . . . will not be accepted as true." *Id.*; *see* Statement of Reasons, Commissioners Mason, Sandstrom, McDonald, Smith, Thomas & Wold, MUR 5141 (Apr. 17, 2002).

There is no basis for the Commission to find "reason to believe" here. The Complaint summarily alleges a "scheme" whereby fifteen different congressional candidates or their families were "directed" to personally make contributions to Ami Bera for Congress with the understanding that Representative Bera's parents would contribute to those candidates' campaigns. *See* Complaint at 1, 3. One of these candidates is alleged to have been Mr. Eggman.

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Jeff S. Jordan
August 4, 2016
Page 2

However, the Complaint does not identify a single specific contribution made or received by Respondents that is alleged to have violated the Act – and, in fact, neither Mr. Eggman, nor any of his family members, have ever made contributions to Bera for Congress.

Moreover, the Complaint does not provide any specific facts to show any “scheme” between the donors. And there was none: Mr. Eggman was never “directed” to make contributions to Bera for Congress, as the Complaint asserts, nor did he.

Lastly, even if the Complaint’s narrative is taken as true, the conduct it describes would not violate the Act. On multiple occasions the Commission has reviewed arrangements like that alleged in the Complaint, and concluded that they are permissible. *See* Advisory Opinion 1996-33; First General Counsel’s Report, MUR 4783 (June 16, 1999).

Complainant has a history of filing meritless and overreaching complaints solely to harass candidates and committees based on their political affiliation. Not surprisingly, they have been routinely dismissed by the Commission. *See, e.g.*, MUR 6916 (DNC, et al.) (unanimously dismissing complaint filed against 763 different respondents). This Complaint, brought against over a dozen different candidates but lacking any specific factual discussion as to most of them, is in the same mold and should be similarly dismissed.

Sincerely,



Thomas A. Willis
Andrew Harris Werbrock
Counsel to Respondents

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